

**Introduced by Senator Ashburn**February 21, 2003

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An act to amend Section 66418.2 of the Government Code, relating to land use.

## LEGISLATIVE COUNSEL'S DIGEST

SB 745, as introduced, Ashburn. Environmental subdivision.

Under the Subdivision Map Act, a local agency may, prior to January 1, 2005, approve or approve conditionally an environmental subdivision, which is defined as a subdivision of land for biotic and wildlife purposes, if the local agency finds that specified conditions have been met.

This bill would extend indefinitely the authority of a legislative body to approve or conditionally approve an environmental subdivision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 66418.2 of the Government Code is  
2 amended to read:  
3 66418.2. (a) "Environmental subdivision" means a  
4 subdivision of land pursuant to this division for biotic and wildlife  
5 purposes that meets all of the conditions specified in subdivision  
6 (b).  
7 (b) Prior to approving or conditionally approving an  
8 environmental subdivision, the local agency shall find each of the  
9 following:



1 (1) That factual biotic or wildlife data, or both, are or will be  
2 available to the local agency approving the environmental  
3 subdivision to support the application for approval.

4 (2) That provisions have been made for the perpetual  
5 maintenance of the property as a biotic or wildlife habitat, or both,  
6 in accordance with the conditions specified by any local, state, or  
7 federal agency requiring mitigation.

8 (3) That an easement will be recorded in the county in which  
9 the land is located to ensure compliance with the conditions  
10 specified by any local, state, or federal agency requiring the  
11 mitigation. The easement shall contain a covenant with a county,  
12 city, or nonprofit organization running with the land in perpetuity,  
13 that the landowner shall not construct or permit the construction  
14 of improvements except those for which the right is expressly  
15 reserved in the instrument. This reservation shall not be  
16 inconsistent with the purposes of this section and shall not be  
17 incompatible with maintaining and preserving the biotic or  
18 wildlife character, or both, of the land.

19 (4) The real property is at least 20 acres in size, or it is less than  
20 20 acres in size, but is contiguous to other land that would also  
21 qualify as an environmental subdivision and the total combined  
22 acreage would be 20 acres or more.

23 (c) Notwithstanding subdivision (a) of Section 66411.1, any  
24 improvement, dedication, or design required by the local agency  
25 as a condition of approval of an environmental subdivision shall  
26 be solely for the purposes of ensuring compliance with the  
27 conditions required by the local, state, or federal agency requiring  
28 the mitigation.

29 (d) After recordation of an environmental subdivision, a  
30 subdivider may only abandon an environmental subdivision by  
31 reversion to acreage pursuant to Chapter 6 (commencing with  
32 Section 66499.11) if the local agency finds that all of the following  
33 conditions exist:

34 (1) None of the parcels created by the environmental  
35 subdivision has been sold or exchanged.

36 (2) None of the parcels is being used, set aside, or required for  
37 mitigation purposes pursuant to this section.

38 (3) Upon abandonment and reversion to acreage pursuant to  
39 this subdivision, the easement for biotic and wildlife purposes is  
40 extinguished.



1 (e) If the environmental subdivision is abandoned and reverts  
2 to acreage pursuant to subdivision (d), all local, state, and federal  
3 requirements shall apply.

4 (f) This section shall apply only upon the written request of the  
5 landowner at the time the land is divided. This section is not  
6 intended to limit or preclude subdivision by other lawful means for  
7 the mitigation of impacts to the environment, or of the land  
8 devoted to these purposes, or to require the division of land for  
9 these purposes.

10 ~~(g) Notwithstanding any other provision of law, no legislative~~  
11 ~~body shall approve or conditionally approve a subdivision~~  
12 ~~pursuant to this section on or after January 1, 2005.~~

